

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

CLAUDE R. SNYDER	]	
Plaintiff,	]	
	]	
v.	]	No. 1:10-0008
	]	Judge Campbell
CHERRY LINDAMOOD, WARDEN	]	
Defendant.	]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the South Central Correctional Center in Clifton, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Cherry Lindamood, Warden of the prison, seeking his transfer to another penal facility.

The South Central Correctional Center is operated by the Corrections Corporation of America under a contract with the Tennessee Department of Correction. The plaintiff complains that he and his fellow inmates do not receive the same meals that are provided to prisoners held in facilities run by the Tennessee Department of Correction.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that the defendant, while acting under color of state law, deprived him of a right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 101 S.Ct. 1908

(1981).

The plaintiff states a viable claim for relief if he can show that the food provided him does not meet the nutritional and caloric requirements for an adult to maintain his health. See Cunningham v. Jones, 567 F.2d 653, 656 (6<sup>th</sup> Cir.1977). The plaintiff alleges that the defendant is "putting my health in danger by shorting me on nutrition." However, the plaintiff has failed to identify any health problems that have arisen from his diet. Nor has the plaintiff alleged anything more than simply being fed one egg rather than two and two pancakes rather than three at breakfast. In short, the plaintiff simply wishes that he had more to eat, but he has not alleged a deprivation of adequate nutrition. As a consequence, the plaintiff has failed to demonstrate conduct violative of his rights.

In the absence of a constitutional violation, the plaintiff has failed to state a claim upon which relief can be granted. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Todd Campbell  
Todd Campbell  
United States District Judge